IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7273 of 2005

Between:

P.P. Reddy, S/o. Thamas Reddy,
R/O. H.NO. 1-1-1072, Siddaradha Nagar, R.E.C. (Post),

Warangal District.

..... PETITIONER

AND

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1 The Regional Manager, APSRTC, Warangal Region,

Warangal district.
2 The Divisional Manager, APSRTC, Warangal Region,

Warangal district.
3 The Depot Manager, APSRTC, Thorru Bus Depot,

Warangal district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing the Proceeding No. 02/95(8)/98-TRR, dated 18-5-1998 as illegal, arbitrary and unjust and consequently set aside the Proceedings No. 02/95(8)/98-TRR, dated 18-5-1998 issued by the 3rd respondent.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for Respondents: SMT.P.RAJANI REDDY

The Court made the following :

ORDER:

Questioning the penalty imposed by the third respondent withholding the annual

increment with cumulative effect by issuing the impugned proceedings No.02/95(8)/98-TRR, dated 18.5.1998, the petitioner filed the present writ petition.

Mr. G. Ravi Mohan, learned counsel appearing for the petitioner contended that without conducting any departmental enquiry major penalty was imposed on the petitioner. Therefore, the impugned proceedings are liable to be set aside.

On the other hand, learned Standing Counsel appearing for the respondents contended that the penalty was imposed in the year 1998 and therefore, there are no grounds to interfere with the impugned proceedings.

For certain irregularities said to have been committed by the petitioner, a charge sheet dated 25-3-1998 was issued to him. The petitioner submitted his explanation on 1-4-1998. As the explanation was not satisfactory, the disciplinary authority imposed the major penalty of deferment of annual increment with cumulative effect. Admittedly, no regular departmental enquiry was conducted in this case. Hence imposition of major penalty without conducting regular departmental enquiry cannot be sustained under law. Though it is a matter to be remitted back to the disciplinary authority for passing appropriate orders, the learned counsel appearing for the petitioner requested this Court to modify the major penalty imposed by the third respondent to that of a minor penalty. Since the alleged irregularities have taken place in the year 1998, at this point of time it is not desirable to remit back the matter to the disciplinary authority for conducting regular departmental enquiry, further more, the petitioner has requested to impose a minor penalty. Therefore, the penalty can be modified in view of the peculiar facts and circumstances of the case.

In the result, the Writ Petition is disposed of modifying the penalty of deferment of annual increment with cumulative effect to that of deferment of annual increment without cumulative effect. No costs. By virtue of this order petitioner is not entitled to any monetary benefits from the date of punishment till the date of this order.

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K.C. Bhanu, J.

4th April 2005

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To

1 The Regional Manager, APSRTC, Warangal Region,

Warangal district.
2 The Divisional Manager, APSRTC, Warangal Region,

Warangal district.
3 The Depot Manager, APSRTC, Thorru Bus Depot,

Warangal district.

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